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David A. Hughes

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EXAMINER

BATURAY, ALICIA

ART UNIT

PAPER NUMBER

2146

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DELIVERY MODE

09/29/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/838,983	<b>Applicant(s)</b> HUGHES ET AL.	
	<b>Examiner</b> Alicia Baturay	<b>Art Unit</b> 2146	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This Office Action is in response to a request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), which was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 31 July 2008 has been entered.
2. Claims 1 and 42 were amended.
3. Claims 52-54 were added
4. Claims 1-54 are pending in this Office Action.

### ***Response to Amendment***

5. Applicant's amendments and arguments with respect to claims 1-54 filed on 31 July 2008 have been fully considered but they are deemed to be moot in view of the new grounds of rejection.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:  

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claims 1, 2, 8-10, 17, 18, 24, 25, 36, 37, 41-43 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uomini (U.S. 6,018,761) in view of Syroid et al. ("Outlook 2000 in a Nutshell) and further in view of Enns et al. (U.S. 7,082,298).
8. With respect to claims 1, 17, 24 and 36, Uomini teaches a method of transmitting an audio sample using electronic mail, comprising: establishing an audio sample to be a predefined sole default audio sample to be used in conjunction with an email application program (Uomini, col. 2, lines 27-44).

Uomini does not explicitly teach detailed descriptions of the use of an email application providing a platform for a sender to generate an electronic mail message to a recipient.

However, Syroid teaches within the email application program, providing a platform for a sender to generate an electronic mail message to a recipient (Syroid, 5.4.7. Signatures, "Outlook can append a signature to every new message, or append a signature only to messages you designate. Below the editing buttons is a pick list and creation option for attaching a vCard to your signature in addition to the text.").

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Uomini in view of Syroid in order to enable detailed descriptions of the use of an email application providing a platform for a sender to generate an electronic mail message to a recipient. One would be motivated to do so in order to promote standard means of exchanging contact information between supported email clients.

The combination of Uomini and Syroid does not explicitly teach use of a single command to attach a file.

However, Enns teaches within the email application program (Enns, col. 5, lines 48-57), receiving a single command from the sender to attach the audio sample; and responsive to the sender's command within the email application program to attach the audio sample, attaching the audio sample to the electronic mail message (Enns, col. 6, lines 38-39).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Uomini and Syroid in view of Enns in order to enable the use of a single command to attach a file. One would be motivated to do so in order to enable method of composing an electronic message by adding audio content to the message.

9. With respect to claims 2, 10, 18, 25, 37 and 43, Uomini teaches the invention described in claim 1, including a method of transmitting an audio sample using electronic mail, comprising: establishing an audio sample to be a predefined sole default audio sample to be used in conjunction with an email application program (Uomini, col. 2, lines 27-44).

Uomini does not explicitly teach detailed descriptions of the use of an email application providing a platform for a sender to generate an electronic mail message to a recipient.

However, Syroid teaches within the email application program, providing a platform for a sender to generate an electronic mail message to a recipient (Syroid, 5.4.7. Signatures, "Outlook can append a signature to every new message, or append a signature only to messages you designate. Below the editing buttons is a pick list and creation option for attaching a vCard to your signature in addition to the text.").

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Uomini in view of Syroid in order to enable detailed descriptions of the use of an email application providing a platform for a sender to generate an electronic mail message to a recipient. One would be motivated to do so in order to promote standard means of exchanging contact information between supported email clients.

The combination of Uomini and Syroid does not explicitly teach use of a single command to attach a file.

However, Enns teaches within the email application program (Enns, col. 5, lines 48-57), receiving a single command from the sender to attach the audio sample; and responsive to the sender's command within the email application program to attach the audio sample, attaching the audio sample to the electronic mail message (Enns, col. 6, lines 38-39) and the method wherein the audio sample comprises a computer file containing compressed audio sample (Enns, col. 6, lines 50-55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Uomini and Syroid in view of Enns in order to enable the use of a single command to attach a file. One would be motivated to do so in order to enable method of composing an electronic message by adding audio content to the message.

10. With respect to claims 8 and 41, Uomini teaches the invention described in claim 1, including a method of transmitting an audio sample using electronic mail, comprising:

establishing an audio sample to be a predefined sole default audio sample to be used in conjunction with an email application program (Uomini, col. 2, lines 27-44).

Uomini does not explicitly teach detailed descriptions of the use of an email application providing a platform for a sender to generate an electronic mail message to a recipient.

However, Syroid teaches within the email application program, providing a platform for a sender to generate an electronic mail message to a recipient (Syroid, 5.4.7. Signatures, "Outlook can append a signature to every new message, or append a signature only to messages you designate. Below the editing buttons is a pick list and creation option for attaching a vCard to your signature in addition to the text.").

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Uomini in view of Syroid in order to enable detailed descriptions of the use of an email application providing a platform for a sender to generate an electronic mail message to a recipient. One would be motivated to do so in order to promote standard means of exchanging contact information between supported email clients.

The combination of Uomini and Syroid does not explicitly teach use of a single command to attach a file.

However, Enns teaches within the email application program (Enns, col. 5, lines 48-57), receiving a single command from the sender to attach the audio sample; and responsive to the sender's command within the email application program to attach the audio sample, attaching the audio sample to the electronic mail message (Enns, col. 6, lines 38-39) and the method wherein the single command comprises clicking an icon (Enns, col. 5, lines 38-39).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Uomini and Syroid in view of Enns in order to enable the use of a single command to attach a file. One would be motivated to do so in order to enable method of composing an electronic message by adding audio content to the message.

11. With respect to claims 9 and 42, Uomini teaches a method of transmitting an audio sample using electronic mail, comprising: establishing an audio sample to be a predefined default audio sample to be used in conjunction with an email application program (Uomini, col. 2, lines 27-44).

Uomini does not explicitly teach detailed descriptions of the use of an email application providing a platform for a sender to generate an electronic mail message to a recipient.

However, Syroid teaches within the email application program, providing a platform for a sender to generate an electronic mail message to a recipient; automatically attaching the audio sample to each electronic message generated by the sender (Syroid, 5.4.7. Signatures, "Outlook can append a signature to every new message, or append a signature only to messages you designate. Below the editing buttons is a pick list and creation option for attaching a vCard to your signature in addition to the text.").

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Uomini in view of Syroid in order to enable detailed descriptions of the use of an email application providing a platform for a sender to generate an electronic mail



message to a recipient. One would be motivated to do so in order to promote standard means of exchanging contact information between supported email clients.

The combination of Uomini and Syroid does not explicitly teach use of a single command to attach a file.

However, Enns teaches within the email application program (Enns, col. 5, lines 48-57), receive a command from the sender to send the electronic mail message; and sending the electronic mail message along with the audio sample to the recipient (Enns, col. 6, lines 38-39).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Uomini and Syroid in view of Enns in order to enable the use of a single command to attach a file. One would be motivated to do so in order to enable method of composing an electronic message by adding audio content to the message.

12. With respect to claim 52, Uomini teaches an automated method of transmitting a single compressed default audio sample using electronic mail, comprising: establishing a computer file to be the sole predefined default audio sample to be used in conjunction with an email application program (Uomini, col. 2, lines 27-44).

Uomini does not explicitly teach detailed descriptions of the use of an email application providing a platform for a sender to generate an electronic mail message to a recipient.

However, Syroid teaches within the email application program, providing a platform for a sender to generate an electronic mail message to a recipient (Syroid, 5.4.7. Signatures,

“Outlook can append a signature to every new message, or append a signature only to messages you designate. Below the editing buttons is a pick list and creation option for attaching a vCard to your signature in addition to the text.”).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Uomini in view of Syroid in order to enable detailed descriptions of the use of an email application providing a platform for a sender to generate an electronic mail message to a recipient. One would be motivated to do so in order to promote standard means of exchanging contact information between supported email clients.

The combination of Uomini and Syroid does not explicitly teach use of a single command to attach a file.

However, Enns teaches establishing a computer file representing a compressed audio sample (Enns, col. 6, lines 50-55); within the email application program (Enns, col. 5, lines 48-57), receiving a single command from the sender that operates to directly attach the audio sample, where the single command is executed by selection of an icon forming a part of the email application program's user interface and is executed as a single command without any subsequent actions and within exiting the email application program; and responsive to the sender's command executed from within the email application program to attach the audio sample, attaching the audio sample to the electronic mail message (Enns, col. 6, lines 38-39).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Uomini and Syroid in view of Enns in order to enable the use of a single command to attach a file. One would be motivated to do so in order

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to enable method of composing an electronic message by adding audio content to the message.

13. Claims 3, 5, 6, 11, 13, 14, 16, 19, 21, 22, 26, 28, 29, 31-35, 38-40, 44-51, and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uomini in view of Syroid in view of Enns and in further view of Fritsch (U.S. 6,233,682).

14. With respect to claims 3, 6, 11, 14, 19, 22, 26, 29, 33, 35, 38, 40, 44, 46, 49, 51 and 53, Uomini teaches the invention described in claim 2, including a method of transmitting an audio sample using electronic mail, comprising: establishing an audio sample to be a predefined sole default audio sample to be used in conjunction with an email application program (Uomini, col. 2, lines 27-44).

Uomini does not explicitly teach detailed descriptions of the use of an email application providing a platform for a sender to generate an electronic mail message to a recipient.

However, Syroid teaches within the email application program, providing a platform for a sender to generate an electronic mail message to a recipient (Syroid, 5.4.7. Signatures, "Outlook can append a signature to every new message, or append a signature only to messages you designate. Below the editing buttons is a pick list and creation option for attaching a vCard to your signature in addition to the text.").

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Uomini in view of Syroid in order to enable detailed descriptions of the

use of an email application providing a platform for a sender to generate an electronic mail message to a recipient. One would be motivated to do so in order to promote standard means of exchanging contact information between supported email clients.

The combination of Uomini and Syroid does not explicitly teach use of a single command to attach a file.

However, Enns teaches within the email application program (Enns, col. 5, lines 48-57), receiving a single command from the sender to attach the audio sample; and responsive to the sender's command within the email application program to attach the audio sample, attaching the audio sample to the electronic mail message (Enns, col. 6, lines 38-39).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Uomini and Syroid in view of Enns in order to enable the use of a single command to attach a file. One would be motivated to do so in order to enable method of composing an electronic message by adding audio content to the message.

The combination of Uomini, Syroid and Enns does not explicitly teach the audio sample comprising a link to a source for purchase.

However, Fritsch teaches the method wherein the audio sample further comprises a link to a source for purchase of a product containing a representation of the audio sample (Fritsch, col. 4, lines 58-60).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Uomini, Syroid and Enns in view of Fritsch in order to enable the audio sample comprising a link to a source for purchase. One would be

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motivated to do so in order to facilitate the purchase of music online resulting in increased revenue via e-commerce.

15. With respect to claims 5, 13, 21, 28, 34, 39, 45 and 50, Uomini teaches the invention described in claim 1, including a method of transmitting an audio sample using electronic mail, comprising: establishing an audio sample to be a predefined sole default audio sample to be used in conjunction with an email application program (Uomini, col. 2, lines 27-44).

Uomini does not explicitly teach detailed descriptions of the use of an email application providing a platform for a sender to generate an electronic mail message to a recipient.

However, Syroid teaches within the email application program, providing a platform for a sender to generate an electronic mail message to a recipient (Syroid, 5.4.7. Signatures, “Outlook can append a signature to every new message, or append a signature only to messages you designate. Below the editing buttons is a pick list and creation option for attaching a vCard to your signature in addition to the text.”).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Uomini in view of Syroid in order to enable detailed descriptions of the use of an email application providing a platform for a sender to generate an electronic mail message to a recipient. One would be motivated to do so in order to promote standard means of exchanging contact information between supported email clients.

The combination of Uomini and Syroid does not explicitly teach use of a single command to attach a file.

However, Enns teaches within the email application program (Enns, col. 5, lines 48-57), receiving a single command from the sender to attach the audio sample; and responsive to the sender's command within the email application program to attach the audio sample, attaching the audio sample to the electronic mail message (Enns, col. 6, lines 38-39).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Uomini and Syroid in view of Enns in order to enable the use of a single command to attach a file. One would be motivated to do so in order to enable method of composing an electronic message by adding audio content to the message.

The combination of Uomini, Syroid and Enns does not explicitly teach the audio sample comprising a link to a source for purchase.

However, Fritsch teaches the method wherein the audio sample comprises a link to a source of streaming music (Fritsch, col. 4, lines 49-58). Figure 1C shows a user "pre-listening" to a song on a web page; it is inherent the music is streaming.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Uomini, Syroid and Enns in view of Fritsch in order to enable the audio sample comprising a link to a source for purchase. One would be motivated to do so in order to facilitate the purchase of music online resulting in increased revenue via e-commerce.

16. With respect to claim 16, Uomini teaches the invention described in claim 9, including a method of transmitting an audio sample using electronic mail, comprising: establishing an

audio sample to be a predefined sole default audio sample to be used in conjunction with an email application program (Uomini, col. 2, lines 27-44).

Uomini does not explicitly teach detailed descriptions of the use of an email application providing a platform for a sender to generate an electronic mail message to a recipient.

However, Syroid teaches within the email application program, providing a platform for a sender to generate an electronic mail message to a recipient (Syroid, 5.4.7. Signatures, “Outlook can append a signature to every new message, or append a signature only to messages you designate. Below the editing buttons is a pick list and creation option for attaching a vCard to your signature in addition to the text.”).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Uomini in view of Syroid in order to enable detailed descriptions of the use of an email application providing a platform for a sender to generate an electronic mail message to a recipient. One would be motivated to do so in order to promote standard means of exchanging contact information between supported email clients.

The combination of Uomini and Syroid does not explicitly teach use of a single command to attach a file.

However, Enns teaches within the email application program (Enns, col. 5, lines 48-57), receiving a single command from the sender to attach the audio sample; and responsive to the sender’s command within the email application program to attach the audio sample, attaching the audio sample to the electronic mail message (Enns, col. 6, lines 38-39).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Uomini and Syroid in view of Enns in order to

enable the use of a single command to attach a file. One would be motivated to do so in order to enable method of composing an electronic message by adding audio content to the message.

The combination of Uomini, Syroid and Enns does not explicitly teach the audio sample comprising a link to a source for purchase.

However, Fritsch teaches the method wherein the audio sample further comprises a link to a source for purchase of a product containing a representation of the audio sample (Fritsch, col. 4, lines 58-60) and the method wherein the automatically attaching takes place in an enterprise electronic mail server (Fritsch, col. 3, lines 4-13).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Uomini, Syroid and Enns in view of Fritsch in order to enable the audio sample comprising a link to a source for purchase. One would be motivated to do so in order to facilitate the purchase of music online resulting in increased revenue via e-commerce.

17. With respect to claims 31 and 47, Uomini teaches an electronic mail system, comprising: means for establishing an audio sample to be a predefined default audio sample to be used with the electronic mail application (Uomini, col. 2, lines 27-44).

Uomini does not explicitly teach detailed descriptions of the use of an email application providing a platform for a sender to generate an electronic mail message to a recipient.

However, Syroid teaches the electronic mail application having a user interface including a plurality of user controls to permit a sender to create and send an electronic mail message



to a recipient (Syroid, 5.4.7. Signatures, “Outlook can append a signature to every new message, or append a signature only to messages you designate. Below the editing buttons is a pick list and creation option for attaching a vCard to your signature in addition to the text.”).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Uomini in view of Syroid in order to enable detailed descriptions of the use of an email application providing a platform for a sender to generate an electronic mail message to a recipient. One would be motivated to do so in order to promote standard means of exchanging contact information between supported email clients.

The combination of Uomini and Syroid does not explicitly teach use of a processor.

However, Enns a computer network (Enns, col. 3, lines 10-30); a programmed processor (Enns, Fig. 1, element 121; col. 3, lines 10-30) forming a part of the computer network; an electronic mail application running on the programmed processor (Enns, col. 5, lines 48-57).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Uomini and Syroid in view of Enns in order to enable the use of a single command to attach a file. One would be motivated to do so in order to enable method of composing an electronic message by adding audio content to the message.

The combination of Uomini, Syroid and Enns does not explicitly teach the audio sample comprising a link to a source for purchase.

However, Fritsch teaches an enterprise email server forming a part of the computer network, wherein email messages created using the electronic mail application are passed

through the email server; and program means, running on the enterprise email server, for attaching the predefined audio sample to an electronic mail document sent from the electronic mail application to the recipient (Fritsch, col. 3, lines 4-13).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Uomini, Syroid and Enns in view of Fritsch in order to enable the audio sample comprising a link to a source for purchase. One would be motivated to do so in order to facilitate the purchase of music online resulting in increased revenue via e-commerce.

18. With respect to claims 32 and 48, Uomini teaches the invention described in claim 1, including a method of transmitting an audio sample using electronic mail, comprising: establishing an audio sample to be a predefined sole default audio sample to be used in conjunction with an email application program (Uomini, col. 2, lines 27-44).

Uomini does not explicitly teach detailed descriptions of the use of an email application providing a platform for a sender to generate an electronic mail message to a recipient.

However, Syroid teaches within the email application program, providing a platform for a sender to generate an electronic mail message to a recipient (Syroid, 5.4.7. Signatures, "Outlook can append a signature to every new message, or append a signature only to messages you designate. Below the editing buttons is a pick list and creation option for attaching a vCard to your signature in addition to the text.").

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Uomini in view of Syroid in order to enable detailed descriptions of the

use of an email application providing a platform for a sender to generate an electronic mail message to a recipient. One would be motivated to do so in order to promote standard means of exchanging contact information between supported email clients.

The combination of Uomini and Syroid does not explicitly teach use of a single command to attach a file.

However, Enns teaches within the email application program (Enns, col. 5, lines 48-57), receiving a single command from the sender to attach the audio sample; and responsive to the sender's command within the email application program to attach the audio sample, attaching the audio sample to the electronic mail message (Enns, col. 6, lines 38-39) and the method wherein the audio sample comprises a computer file containing compressed audio sample (Enns, col. 6, lines 50-55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Uomini and Syroid in view of Enns in order to enable the use of a single command to attach a file. One would be motivated to do so in order to enable method of composing an electronic message by adding audio content to the message.

19. Claims 4, 7, 12, 15, 20, 23, 27, 30 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uomini in view of Syroid in view of Enns in view of Fritsch and in further view of Kang (U.S. 2001/0051925).

20. With respect to claims 4, 7, 12, 15, 20, 23, 27, 30 and 54, Uomini teaches the invention described in claim 1, including a method of transmitting an audio sample using electronic mail, comprising: establishing an audio sample to be a predefined sole default audio sample to be used in conjunction with an email application program (Uomini, col. 2, lines 27-44).

Uomini does not explicitly teach detailed descriptions of the use of an email application providing a platform for a sender to generate an electronic mail message to a recipient.

However, Syroid teaches within the email application program, providing a platform for a sender to generate an electronic mail message to a recipient (Syroid, 5.4.7. Signatures, "Outlook can append a signature to every new message, or append a signature only to messages you designate. Below the editing buttons is a pick list and creation option for attaching a vCard to your signature in addition to the text.").

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Uomini in view of Syroid in order to enable detailed descriptions of the use of an email application providing a platform for a sender to generate an electronic mail message to a recipient. One would be motivated to do so in order to promote standard means of exchanging contact information between supported email clients.

The combination of Uomini and Syroid does not explicitly teach use of a single command to attach a file.

However, Enns teaches within the email application program (Enns, col. 5, lines 48-57), receiving a single command from the sender to attach the audio sample; and responsive to the sender's command within the email application program to attach the audio sample, attaching the audio sample to the electronic mail message (Enns, col. 6, lines 38-39).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Uomini and Syroid in view of Enns in order to enable the use of a single command to attach a file. One would be motivated to do so in order to enable method of composing an electronic message by adding audio content to the message.

The combination of Uomini, Syroid and Enns does not explicitly teach the audio sample comprising a link to a source for purchase.

However, Fritsch teaches the method wherein the audio sample further comprises a link to a source for purchase of a product containing a representation of the audio sample (Fritsch, col. 4, lines 58-60).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Uomini, Syroid and Enns in view of Fritsch in order to enable the audio sample comprising a link to a source for purchase. One would be motivated to do so in order to facilitate the purchase of music online resulting in increased revenue via e-commerce.

The combination of Uomini, Syroid, Enns and Fritsch does not explicitly teach the use of affinity credit.

However, Kang teaches the method wherein if the recipient makes a purchase from the source, an affinity credit is awarded to the sender (Kang, paragraphs 29-30).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Uomini, Syroid, Enns and Fritsch in view of Kang in

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order to enable the use of affinity credit. One would be motivated to do so in order to encourage the wide distribution and purchase of content.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Baturay whose telephone number is (571) 272-3981. The examiner can normally be reached at M-Th 7:30 - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Pwu can be reached on (571) 272-6798. The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alicia Baturay  
September 30, 2008

/Jeffrey Pwu/  
Supervisory Patent Examiner, Art Unit 2146